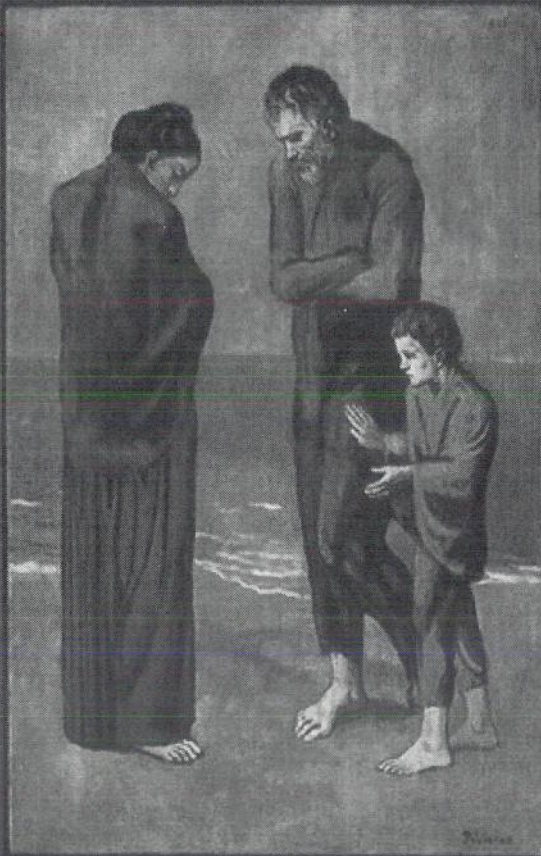


The Battered Mother's Dilemma: Reframing Child Maltreatment in the Context of Coercive Control.



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goal

- IMPROVE OUR KNOWLEDGE AND PRACTICE WITH DUAL VICTIM FAMILIES
- REFRAME CHILD EXPOSURE IN THE CONTEXT OF COERCIVE CONTROL

*What are the biggest challenges
you face in working with families
impacted by domestic violence?*

Myths about DV and CA

- Exposed children are seriously harmed
- Mothers who “stay” are not providing safety
- We can keep children safe without protecting mom

Life on Three Planets

Coercively Controlling Male &
Cooperating Victim

**Planet
I**

Domestic Violence:
Criminal Charges;
CRIMINAL COURT

Neglectful Mother &
Invisible men

Child Protection

**Planet
3**

**Planet
2**

Contact
& Custody
FAMILY COURT

'Good Enough' Father
& Alienating Mom

Adapted from Radford & Hester, 2006

Criminal Court	Family Court	Child Protection
Offender	"Good Enough" Dad	Invisible
Victim	Woman who claims to be abuse victim	Neglectful/inadequate protector
Fear	Paranoia	Symptom of danger to child
"Safe" Contact	Bias towards Contact	NO CONTACT

Criminal Court	Family Court	Child Protection
Persistence	Uncooperative Obsessive	Mother's dilemma
Protection	Alienation	Mandated Services or Refusal
Witness intimidation	Exaggeration	Confirms child's risk/unfitness

The battered mother's dilemma

- When the offending partner forces the victim to choose between her own and her child's safety
- If I do what the court wants, I put myself and my child at risk. If I don't, I lose my child."
- "If I do what social services want, I put myself and my child at risk."

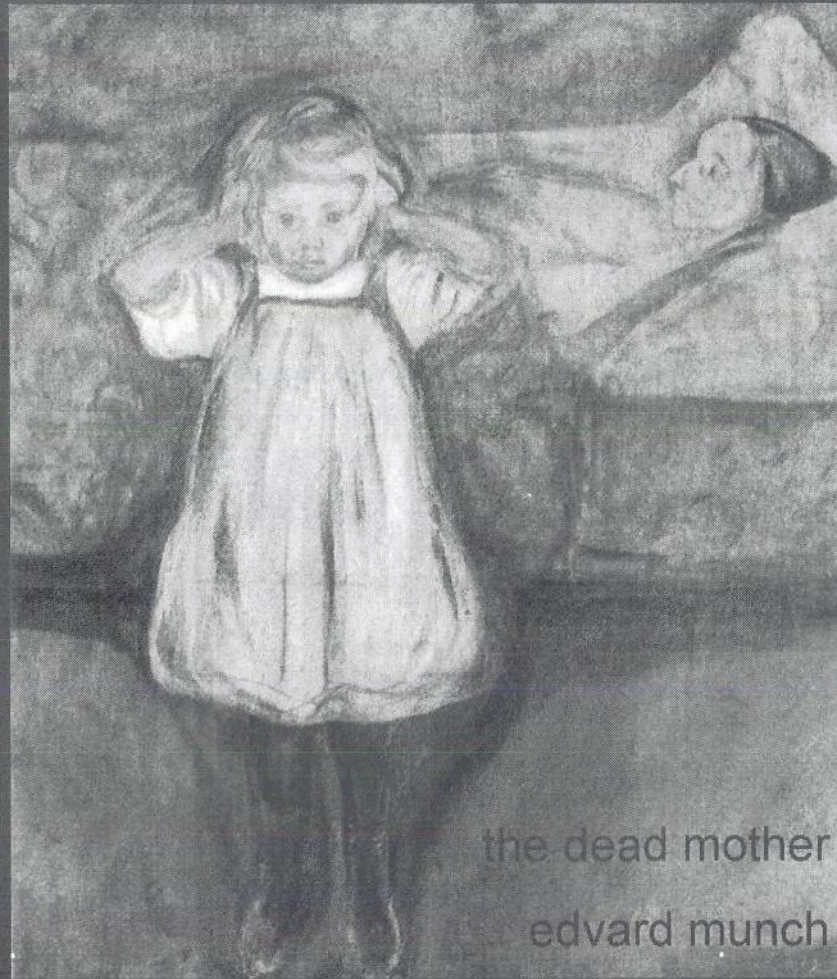
The battered mother's dilemma

- “If I report, I will be hurt.”
- If I protect my child, I will be hurt. If I don't protect my child, she will be hurt.”
- If I don't do what he wants, my child will be hurt. If I do what he wants, I will be humiliated.”
- If I don't hurt my child, I will be hurt. If I don't hurt my child, she will be hurt worse.”

Where children are present....

- Ambiguity about where victimization ends and a woman's responsibility for harms to the children begins.

Mrs. Nicholson



the dead mother
edvard munch

Ms. Nicholson

Charged with “neglect” though

- her son was in school
- her daughter asleep,
- and the couple was separated

New York City Child Protection

- Child's exposure per se neglectful
- Danger so high, no court order before removal
- Abused mothers "engaged" in DV
- When there is "ambiguity,"
REMOVE

Judge Jack Weinstein

- It is unconstitutional for CPS to charge a non-offending parent with neglect and remove a child solely because she was a victim of domestic violence or refused services due to DV.

APPELLATE DECISION

- DOMESTIC VIOLENCE IS NOT PRESUMATIVELY NEGLECTFUL
- DEMONSTRATING RISK IS NOT ENOUGH
 - BALANCE RISK OF STAYING AGAINST TRAUMA OF REMOVAL
 - PARTICULARIZED EVIDENCE OF HARM
 - CAN RISK FROM NON-REMOVAL BE OTHERWISE AMELIORATED?
 - Mother may be acting reasonably even if she fails to take certain

Woman battering is
the single most
common context in
which child abuse
occurs

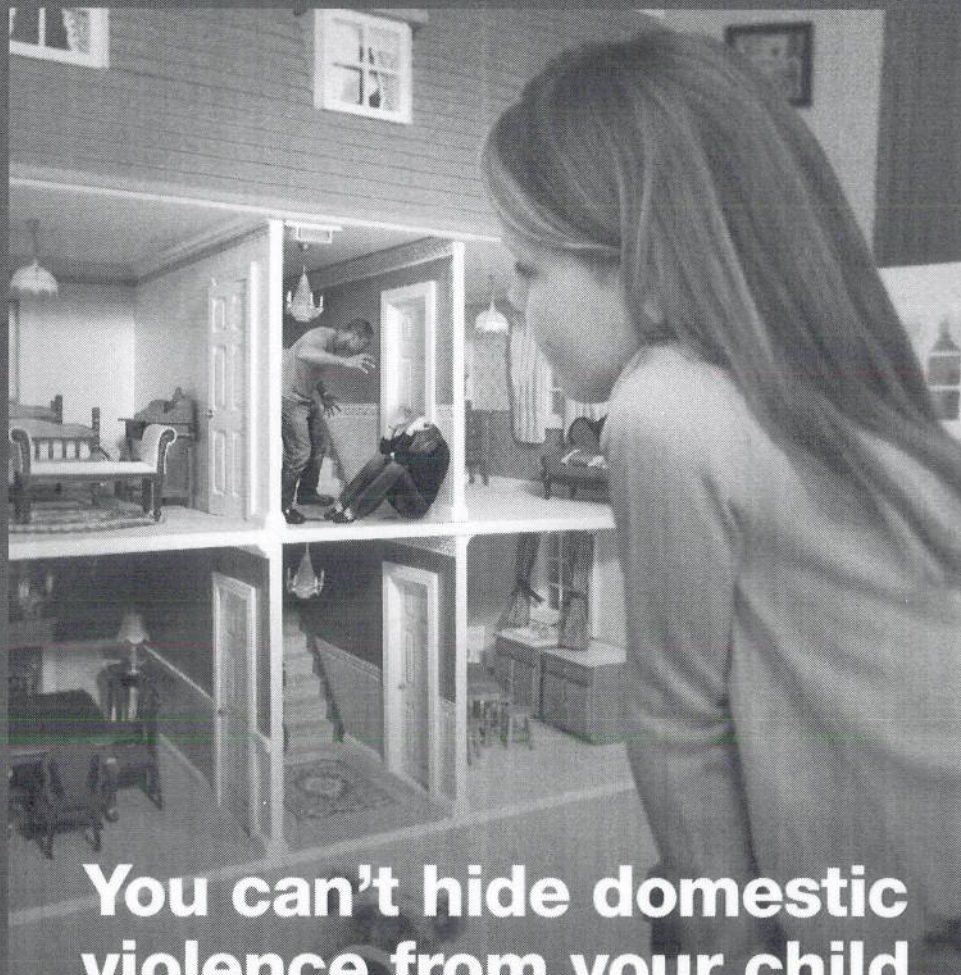
Women and Children's Reality

- “Ongoing”
- Rape and DV fall on continuum
- Cumulative effect
- Multiple tactics
- Crosses Social Space
- “Help” often makes things worse
- “Violence isn’t the worst part.”

When Abuse is Viewed through the Violence Framework:

Abuse is Minimized, Missed & Normalized

- Child Protection Responds to Emergencies
- Secondary Problems viewed as Confounding Mom's Culpability Rather than Vulnerability
- Duration Blamed on Victims
- The Escalation/Duration of Abuse Enhances Victim-Blaming
- Victims & SW minimize abuse



You can't hide domestic violence from your child

You can get help and advice by calling:

Local Domestic Abuse Helpline: 0114 233 1317 (Monday to Friday 10am - 2pm)

NSPCC Child Protection Helpline: 0800 800 5000

Freesphone 24hr National Domestic Violence Helpline: 0800 2000 247 (Women's Aid and Refuge)

Respect Phoneline: 0845 122 8609 (helpline for abusive partners)

Find out how you can help to end cruelty to children at: www.bethefullstop.com



NSPCC
CHILD PROTECTION
HELPLINE
0800 800 5000

NSPCC
Cruelty to children must stop. FULL STOP

DEVELOPMENTAL ISSUES

- Infants: Interrupted bonding, developmental delays,
- Preschool: fear, confusion, clinging, constant vigilance
- Elementary school: somatic problems, sleep disorders, failure to thrive, bed wetting
- Adolescents: runaways, substance use, sexual acting out

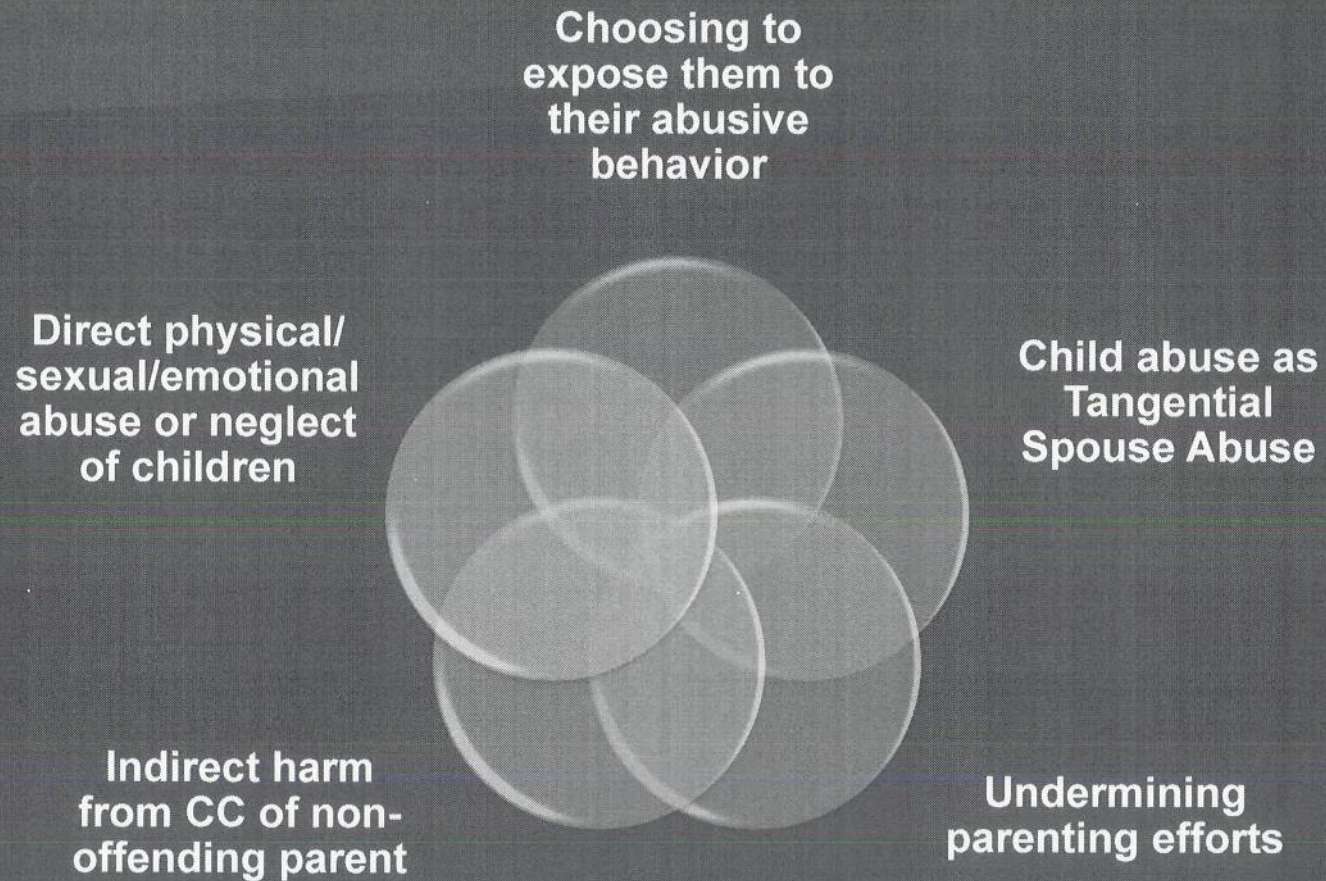
Children's Risk

- Developmental Stage
- Type of Abuse
- Nature of Child Involvement
- Types/LENGTH of Exposure
- Resilience and Support

Who commits child abuse?

- **Reported child welfare cases:**
men 20-55% (NCCAN; Am.
Humane Society)
- **When men are present:** 2/3rds of
reported incidents (Gil)

How Batterers Harm Children



Child Abuse as Tangential Wife Abuse

Individual =

- When the batterer hurts, intimidates, isolates or controls the child to hurt/control/isolate or intimidate the mother

System =

- When the court, police, health or child welfare system use the child as a way to harm or control the parent

**Most children exposed to
domestic violence remain
physically and psychologically
intact**

Risk of Exposure vs. Risk of trauma of Removal

- Wide range of possible effects
- Children from dv homes may be more vulnerable to removal trauma
- Foster care system has risk of abuse and disruption of contacts (5% v. 2%)
- Woman is isolated: battering may escalate

CPS STUDIES

■ Rates of Domestic Violence

- 30% (Mass., 1990)

- 48% (Mass., 1994, after training)

- 55% (Wash.)

- NJ- 3%???

Rates of identification are a function of asking and being seen as 'friendly'

ABUSE vs. NEGLECT

Battered Mother

- Few Problems in Childhood

- Few Secondary Problems

Not Battered

- Multi-Problem Childhood

- “Overwhelmed” with problems

Within the CPS caseload

- Compared to Non-battered Women, battered women are:
 - Half as likely to abuse drugs (20% v. 11%)
 - Half as likely to abuse Alcohol & drugs

Mothering thru DV

- “Ordinary magic”— competence in the face of adversity
- 98% Emotionally available to children
- 91%Appropriate Discipline

Strengths perspective:

- Is she making the most protective choices within the constraints she is facing?
- How can I address these constraints?
- Balancing Safety with Liberty

Strengths Based Approach to Non-offending Parent

Full spectrum of the survivor's efforts to promote the safety and well being of the children

Goes beyond "yardstick" of Leave

Avoids double standard around mothers and fathers



Assess survivor's strengths as they relate to the children

Prior traditional and non-traditional safety planning

Day to day care of the children

Positive impact on children



Develop case plan based on the strengths

Validating her strengths builds partnership

Does not mandate unnecessary services

HOW DO ABUSED
MOTHERS PROTECT
THEIR CHILDREN?

Leaving as a Process

- Women who leave a shelter and return to a partner had separated an average of **2.42** times.
- Women terminating their relationship had separated an average of **5.07** times.

Same people at different points in time?

The Invisible Man

- Case classification
- Foster care placement
- No accountability
- Little recognition re: services
- “Patriarchal Mothering”
- Minimize Mother’s Protective Capacities
- Nothing is Done About the Main Source of Harm

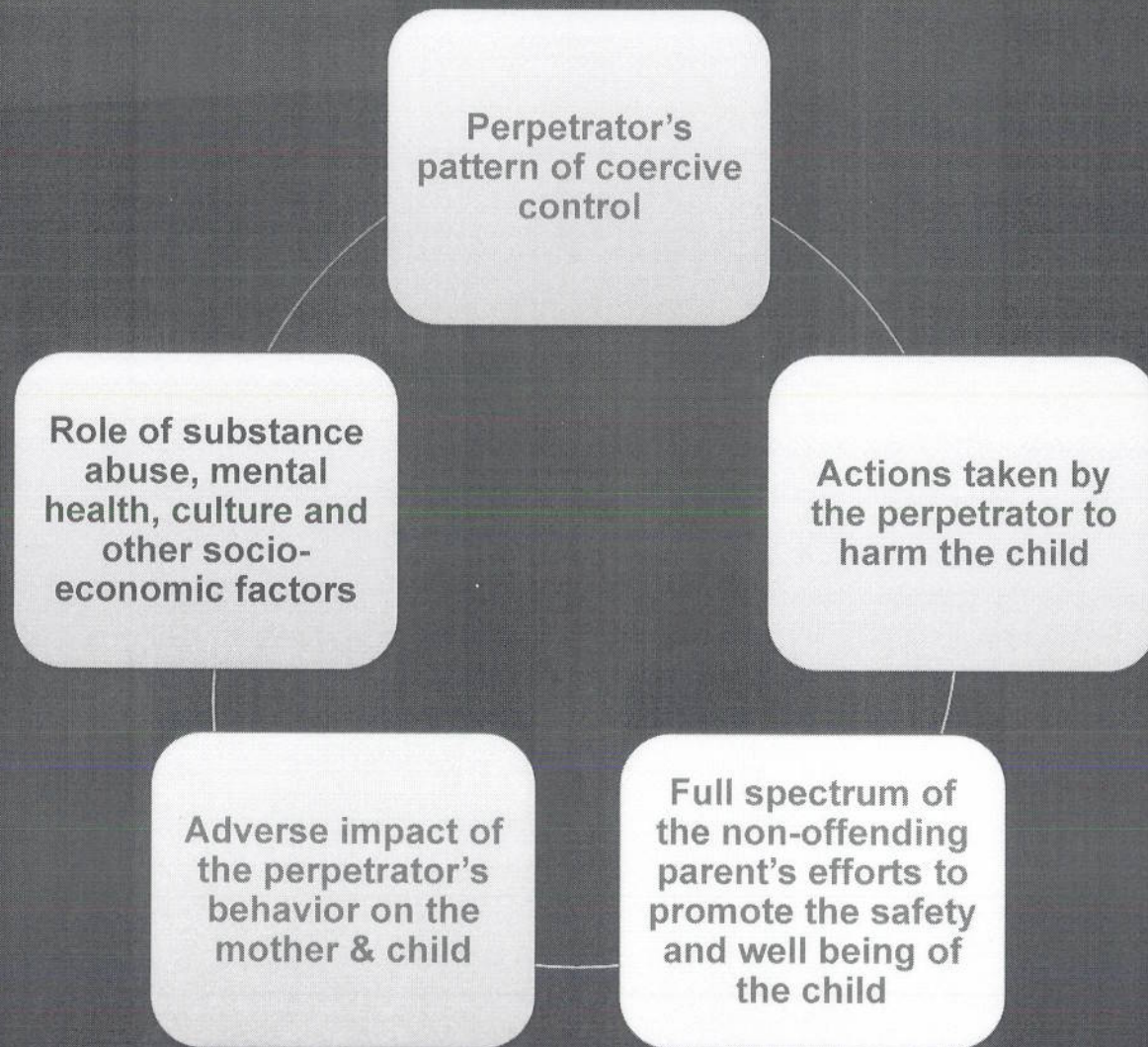
	“Invisible”	“Good Guy”	“Bad Guy”
What we do	Ignore	Welcome/ Reward	Punish
Practice Implications	Do nothing with him	No assessment	Send him away
Implications for work with mothers and children	All the focus is on mom	Her efforts are valued less	All the focus is on mom

Keep the focus where it belongs

■ Perpetrator accountability

- The perpetrator's service plan should be longer than the victim's!
- Be clear: A perpetrator should not agree to have "no further law enforcement involvement..."; he *should* agree that he "will not commit acts of abuse" or "will not violate the protection from abuse order..."

Working with offenders



The Context for Decisions

Using the typology

Assessing Dynamics

Child Abuse as Tangential Spouse
Abuse

The Battered Mother's Dilemma

Reframing mother's response

Reframing in the context of CC

- Explore Multiple Sources of Abuse
- Build a Narrative of Oppression that links harms to mother & child
- Reframe Client as Protective Mother Operating with Constrained Options
- Reframe FEAR as a Reasonable Response to Multiple Constraints

SAFETY ZONES

SEARCH & DESTROY

MISSIONS

**Control in the context of no
Control**

**By this time in my life, Miguel
was telling me when to dress,
what to wear, when to wash the
children and what to cook..
LAVONNE *age 36***

A SUICIDE ATTEMPT

**By this time in my life, Miguel
was telling me when to dress,
what to wear, when to wash the
children and what to cook..
LAVONNE *age 36***

Change Practice

- ROUTINE QUESTIONING
- PROVIDE INFORMATION/SERVICES REGARDLESS OF FINDING
- GLOBAL ASSESSMENT
- BROADEN ASSESSMENT TO INCLUDE CC
- DOCUMENT OFFENDER HARMS
- COLLABORATIVE SAFETY PLANNING
- CIVIL RIGHTS AS WELL AS RESPONSIBILITIES

Remember

- The harm to children of exposure to domestic violence varies widely
- Offenders must be held accountable for the harm they do to their children— focus on perpetrators
- Keeping women safe helps greatly to keep their children safe
- Exposure to dv should not be defined as maltreatment under the law
- Removal of children from their primary caregiver exposes them to harm that often outweighs the risks associated with child witnessing

Pathways to Change

■ *Punitive*

- DV victimization=neglect
- Offenders invisible
- Conflict with DV organizations

■ *Unresponsive*

- Ends punitive practice
- “Disguised betrayal” of victims
- Offenders invisible

■ *Pre-Competence*

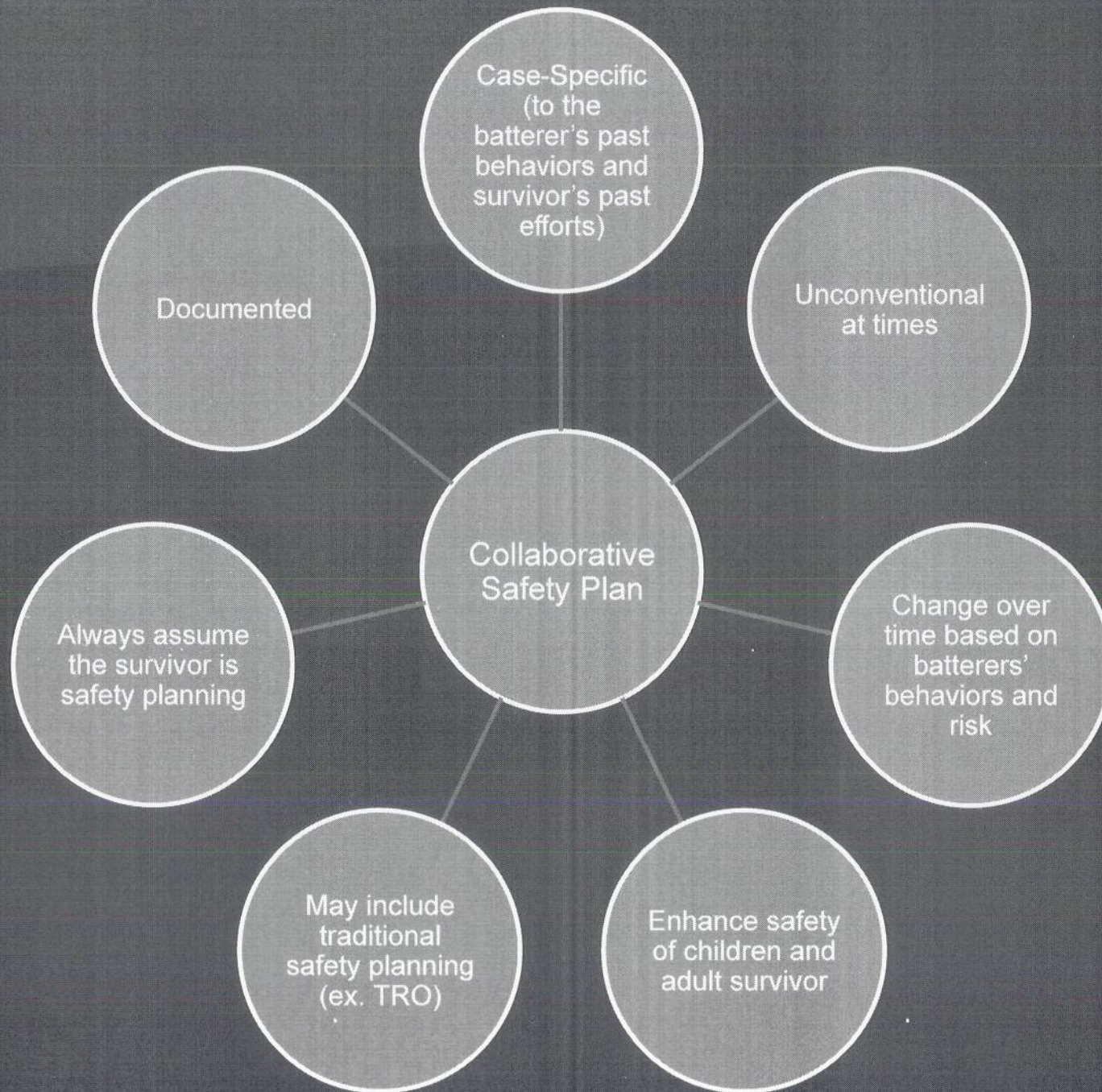
- Stated commitment
- Training/Education
- Bring DV expertise on board
- Disconnect between policy and DNA
- Offenders invisible

■ *Competence*

- Structural change , resource reallocation + accountability
- Partnering with survivors and intervening with perpetrators
- Coercive control is assessment lens
- Programming for children

Domestic Violence Proficiency

- “Best practice” is consistent & pervasive
- Commitment to normalize and maintain skills
- DV response build into QA and org. plans
- Accesses & partners with community expertise and builds community capacity along continuum of coercive control
- Clear shift to survivor empowerment/offender accountability as context for child safety



“Your honor, the mere fact that my client and her child are here tells you she has taken significant steps to protect herself”

Custody Arrangements & Kids

- 1/3rd of violations of court orders during visitation
- Children in “high conflict” visitation/shared custody arrangements more behavioral problems in childhood and young adulthood than children in sole custodial arrangements (Heterington & Stanley-Hagan, 1999; Johnson, 1994)

Evaluation Assumptions & Discourse

Family

- Custody litigation is a re-structuring of “family.”

Parenting

- “Kids need both parents.”

Neutrality

- “Whatever happened, he’s still their father.”

CC and risk in mediation

- Post separation
 - 47% reported escalating violence
 - 51.9% reported at least 1 threat to their lives
 - 23.2% reported forced sex
- CC vs. DV
 - CC accounted for 81% of escalating violence; 80% of threats to life & 76% of forced sex
 - DV accounted for 20% escalated DV; 17% threats & 24% forced sex
 - 75% (CC) vs. 18% (DV) expressed fear in mediation

Evaluation

- Kentucky
 - Domestic Violence not identified by evaluators
 - Plays no part in recommendations when identified
 - Not mentioned in Reports
 - Couples as often referred to mediation (Horvath et al. 2002).
- California
 - DV and nonDV just as likely to be steered to mediation
 - Mediators held joint sessions in nearly half of cases where DV was substantiated (Hirst, 2002), though this was against regulations.
- San Diego
 - Mediators failed to recognize domestic violence in 57% of abuse cases.
 - Mediators who said they were aware of abuse were *less likely* to recommend supervised exchanges than those who did were not (Johnson et al. 2005).

Seattle Findings:

- Of mothers with documented dv
 - 47% no mention in dissolution file
 - 28.9% unsubstantiated allegation
 - No more likely to gain custody
- Fathers (If documented in both files)
 - More likely to be denied visitation...BUT.....
 - 83% had no such restrictions
 - No difference if not documented

Family Court Reform

- Broaden Evidentiary Basis for Establishing DV
- DV Hearing Before Hearing Custody/Support
- Rebuttal Presumption of Full Custody for non-offending parent
- Priority on Safety
- Prohibit Punitive Response (e .g. PAS)
- Require DV expertise in evaluations
- Listen to Children's Voices

Lavonne Lazarra

- 5 children removed, including newborn